

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

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SO. DIST. OF GA.

KENNETH LAMAR CHAPPLE,

Plaintiff,

v.

CIVIL ACTION NO.:CV507-050

DR. PETER WROBEL,

Defendant.

**ORDER**

After an independent review of the record, the Court concurs with the recommendation of the Magistrate Judge that Plaintiff's Complaint be dismissed for its failure to state a cognizable Eighth Amendment claim. Plaintiff has filed Objections, wherein he asserts that the medication he has been given at Ware County Jail has been insufficient and that he should have received different medications to treat his condition. As the Magistrate Judge noted, however, the allegation that an inmate has not received the treatment or medication which he deems appropriate is not sufficient to state a deliberate indifference claim. The facts stated by Plaintiff allege at most a difference of opinion as to his treatment. Such allegations are not cognizable under section 1983. See Harris v. Thigpen, 941 F.2d 1495, 1505 (11th Cir. 1991) (noting that a mere difference of opinion between prison medical officials and an inmate as to the latter's diagnosis or course of treatment does not support a claim of cruel and unusual punishment). "Mere incidents of negligence or malpractice do not rise to the level of

constitutional violations." Id. Plaintiff has a forum for his malpractice claims in the state court system.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Compliant is hereby **DISMISSED.**

**SO ORDERED**, this 14<sup>th</sup> day of August, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA